

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JULIE WAGNER,

Plaintiff,

VS.

EMBRACE,

Defendant.

8:06CV707

ORDER TO SHOW CAUSE

This matter is before the court *sua sponte* and pursuant to NECivR 41.1, which states in pertinent part: “The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence.” Further, Fed. R. Civ. P. 4(m) establishes the following time limit for service of process on the defendant in a civil case:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

In this case the complaint was filed on November 13, 2006. **See** Filing No. 1. Accordingly, the deadline for service of process expired **on or about March 13, 2007**. The record shows a summons was issued the date the complaint was filed, however there is no proof of service of process on the defendant. Upon consideration,

IT IS ORDERED:

The plaintiff shall show cause why this case should not be dismissed as against the defendant for failure to effect service. The showing of cause shall be filed electronically on or before the close of business **on March 28, 2007**.

Dated this 14th day of March, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge